

REMARKS

In the Advisory Action of November 4, 2009, the Examiner maintains his rejection of Claims 1-24 and 26-27 as first set forth in the Final Office Action dated July 22, 2009. In the Final Office Action those claims are rejected as being unpatentable under 35 USC 103(a) by US Patent No. 6,850,226 to Finke-Anlauff (“Finke-Anlauff”) in view of Lenchik et al. (“Lenchik”) (U.S. Patent No. 7,257,430). In response Applicant has amended independent claims 1, 8 and 15, canceled previously pending dependent claims 21-24 and added new dependent claim 28. The current amendment is being submitted with a Request for Continued Examination, and, for the reasons below, Applicant request that the Examiner reconsider the grounds for rejecting the pending claims and find all pending claims allowable over the cited prior art.

I. Independent Claims 1, 8 and 15

The Examiner concedes that the pending claims are not anticipated by Finke-Anlauff and, therefore, rejects the claims as obvious over Lenchik. In making this new rejection, however, the Examiner expressly acknowledges that Finke-Anlauff does not teach “in a state where an item is selected from the plurality of items of the item selecting screen, in response to a state change from the closed state to the opened state, the control section controls said display section to change into display [sic] a screen image corresponding to the selected item from the item selecting screen.” Office Action at 4. Rather, Finke-Anlauff, as asserted by the Examiner teaches “having a menu system where the user can access via hardware control from the keypad.” Id. The Examiner relies on Lenchik to supplement the acknowledged deficiencies in Finke-Anlauff. Lenchik, however, also fails to teach the claimed element that is admittedly absent in Finke-Anlauff.

The Examiner relies on Lenchik as disclosing “in a state where an item is selected from the plurality of items on the item selecting screen, in response to a state change from the closed state to the opened state, the control section controls said display section to change into displaying a screen image corresponding to the selected item from the item selection screen.”

But this element is absent. Lenchik discloses that an operation mode (service) of the portable electronic device 100 can be selected based on the relative position of the first element 104 and the second element 106. The portable electronic device 100 may include an alert that notifies the user that a non-selected service is waiting to receive (col. 4, lines 46-67). Lenchik, however, fails to disclose a screen image corresponding to the selected item that is displayed in response to a state change from the closed state to the opened state. For that reason alone, Lenchik, when combined with Finke-Anlauff, cannot render the pending claims obvious.

Additionally, as noted above, Lenchik merely shows than an operation mode can be selected based on the relative portion of the two elements 104 and 106. Lenchik never discloses the relationship between displaying the image corresponding to the selected item and a state change from the closed state to the opened state.

Furthermore, we note that Lenchik, like Finke-Anlauff does not disclose displaying an item selecting screen. Moreover, the portions of Lenchik relied on by the Examiner do not disclose an item selecting screen. In Lenchik, an application or mode is selected based on the positional relationship between the two housings not from an item selecting screen in response to a state change. Thus, even if the disclosures of Lenchik and Finke-Anlauff are combined, the combination does not show teach or suggest displaying a screen image corresponding to the selected item, which is selected in the item selecting screen, in response to a state change from the closed state to the opened state.

In the Advisory Action, the Examiner responds that “Finke-Anlauff in figures 1 and 8 clearly shows that the mobile phone device has a menu system which allow different application to be selected by the user and that the control system controlling the display change is also linked to the mail control processor.” The Examiner further states “this means that the system is selecting from a plurality of state of display based on the feedback made by the user of the mobile phone, therefore the limitation of claim 1 still read on the prior art in its broadest interpretation.”

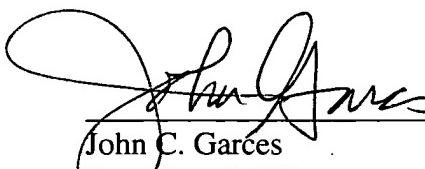
Again, Applicant respectfully disagrees with this conclusion. Finke-Anlauff, as explained above, merely shows that the screen orientation is either changed by a switch or automatically switched depending on the function being used. Lenchik is also unavailing as explained above. Nevertheless, to further distinguish the pending claims over the cited prior art, Applicant has further amended independent claims 1, 8 and 15 to recite an “auxiliary operation section” and to further recite that “in a state where a specific item which requires an operation by the main operation section is selected from the plurality of items on the item selecting screen, in response to the selection of the specific item being determined by the auxiliary operation section, said control section controls said display section to display thereon a message screen prompting a user to change said portable unit from the closed state into the opened state, and wherein said control section controls said display section to display thereon a screen image corresponding to the selected specific item in response to a state change from the closed state to the opened state.” The claims, as amended, make clear that the specific item is selected by the auxiliary operation section and that in response to the state change from the closed state to the opened stated the display section displays thereon a screen image corresponding to the selected specific item and that is operated by the main operation section. Furthermore, the claims now recite a portable

terminal having a message screen that prompts a user to change the portable unit from the closed state to the opened state. No new matter has been added by these amendments. *See, e.g.*, US2004/0257334 A1 at [0069] (“Therefore, to inform the user to open the first housing 32 and the second housing 34, the message “Open” is displayed on the display screen.”)

Both Finke-Anlauff and Lenchik fail to disclose the configuration of displaying a specific screen when an item which requires an operation by the main operation is selected by an operation of said auxiliary operation section. That is, Finke-Anlauff and Lenchik fail to disclose displaying a message screen (prompting a user to change said portable unit into the opened state) in response to that specific item which requires an operation by the main operation is selected by an operation of said auxiliary operation section. Because none of the cited art discloses or suggests those features, independent claims 1, 8 and 15 and all their dependent claims, including new dependent claim 28, are allowable over the cited prior art. For the foregoing reasons, claims 1-20 and 26-28 are patentable over Finke-Anlauff and Lenchik.

In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0061.

Respectfully submitted,



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